

**Introduced by Senator Figueroa**

February 18, 2005

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An act to add Section 109336 to the Health and Safety Code, relating to cancer.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 583, as introduced, Figueroa. Cancer: nonconventional treatment.

Existing law makes it a misdemeanor for any individual, person, firm, association, or other entity representing himself or itself, as engaged in the diagnosis, treatment, alleviation, or cure of cancer to fail to comply with regulations regarding the treatment of cancer.

This bill, notwithstanding these provisions, would prohibit any physician and surgeon from being in violation of the laws regarding the treatment of cancer or any other law solely on the basis that the advice or treatment for cancer rendered by the physician and surgeon to a patient is an innovative or evolving medical treatment or natural health or drugless methodology, provided that the advice or treatment rendered complies with other requirements relating to the use of alternative or complementary medicine.

The bill would authorize a licensed physician and surgeon to provide natural health or drugless methodologies as part of complementary, combined, or modified conventional allopathic treatment for cancer rather than conventional allopathic treatments. It would also permit these physicians and surgeons to be independent practitioners or partners in a shared practice with a conventional allopathic physician, and would permit patients to be referred to them by qualified conventional allopathic cancer specialists.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 109336 is added to the Health and  
2     Safety Code, to read:  
3     109336. (a) Notwithstanding any provision of this article,  
4     Article 1 (commencing with Section 109250), or any other  
5     provision of law, no physician and surgeon licensed pursuant to  
6     Chapter 5 (commencing with Section 2000) of Division 2 of the  
7     Business and Professions Code, shall be in violation of this  
8     chapter or any other law solely on the basis that the advice or  
9     treatment for cancer rendered by the physician and surgeon to a  
10    patient is an innovative or evolving medical treatment or natural  
11    health or drugless methodology, provided that the advice or  
12    treatment rendered complies with the requirements of Section  
13    2234.1 of the Business and Professions Code.  
14    (b) A licensed physician and surgeon may provide natural  
15    health or drugless methodologies as part of complementary,  
16    combined, or modified conventional allopathic treatment for  
17    cancer rather than conventional allopathic treatments. These  
18    physicians and surgeons may be independent practitioners or  
19    partners in a shared practice with a conventional allopathic  
20    physician, and patients may be referred to them by qualified  
21    conventional allopathic cancer specialists.

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